

**ASSEMBLY BILL**

**No. 1735**

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**Introduced by Committee on Agriculture (Parra (Chair), La Malfa (Vice Chair), Berryhill, Dymally, Fuller, Galgiani, Jones, and Mendoza)**

March 15, 2007

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An act to amend Sections 33527, 35781, 35783, 35783.1, 35861, 35891, 35893, 35971, 36861, 36951, 38421, 38671, 38731, 38761, and 38791 of the Food and Agricultural Code, relating to milk and dairy products.

LEGISLATIVE COUNSEL'S DIGEST

AB 1735, as introduced, Committee on Agriculture. Milk and dairy products: standards.

Existing law regulates the cooling time for, temperatures of, and microbial standards for market milk, as specified.

This bill would reduce the required cooling time and temperatures of market milk, as specified. This bill would also specify a specific microbial standard for coliform bacteria within market milk, as specified.

Existing law provides that any violation of these provisions is a misdemeanor.

Because this bill would change the terms of a crime, the bill would impose a state-mandated local program.

Existing law defines half-and-half, ice cream, sherbet, nonfat dry milk, sour cream, yogurt, whipped cream, and eggnog, for purposes of regulation.

This bill would set forth limits on the amount of bacteria that may be present in any of those products.

Existing law provides that any violation of these provisions is a misdemeanor.

Because this bill would change the terms of a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 33527 of the Food and Agricultural Code  
2 is amended to read:

3 33527. The milk or cream shall be cooled to a temperature of  
4 ~~50 degrees Fahrenheit or lower within one hour after it is drawn~~  
5 ~~from the cows or goats as provided in Section 35783~~ and so  
6 maintained until delivery to a milk products plant.

7 SEC. 2. Section 35781 of the Food and Agricultural Code is  
8 amended to read:

9 35781. (a) Except as otherwise provided in this article, market  
10 milk shall not contain any of the following:

11 (1) More than 15,000 bacteria per milliliter *or more than 10*  
12 *coliform bacteria per milliliter* if to be sold as raw milk to the  
13 consumer.

14 (2) More than 50,000 bacteria per milliliter if to be sold as raw  
15 milk for pasteurization or more than 750 bacteria per milliliter  
16 after having been subjected to laboratory pasteurization which has  
17 a time-temperature equivalent to that required in Section 34001  
18 before pasteurization.

19 (3) More than 15,000 bacteria per milliliter or more than 10  
20 coliform bacteria per milliliter at time of delivery to the consumer,  
21 if pasteurized.

22 (4) More than 750 coliform bacteria per milliliter in raw milk  
23 for pasteurization. Samples shall be taken while the milk is on the  
24 premises of the producer.

25 (5) More than 800,000 somatic cells per milliliter, as determined  
26 by direct microscopic somatic cell count, electronic somatic cell

count, or optical somatic cell count. After January 1, 1990, the maximum somatic cell count shall be 600,000 somatic cells per milliliter, as determined by the methods specified in this paragraph. This paragraph does not apply to market goat milk.

(b) The director may, by regulation, require different standards for raw market milk for pasteurization from the standards in this section if he or she determines, after an administrative hearing, that the standards are necessary to protect or improve milk quality.

SEC. 3. Section 35783 of the Food and Agricultural Code is amended to read:

~~35783. Market milk for pasteurization shall be cooled to 50 degrees Fahrenheit or below and shall be maintained in transit at not to exceed 52 degrees Fahrenheit. On or before January 1, 1972, all market milk dairies shall provide sufficient refrigeration capacity to reduce the temperature of the milk to 50 degrees Fahrenheit or below, as indicated by a recording thermometer, within one hour after completion of the first milking, or five hours after the beginning of milking, whichever is first, and to maintain it at such temperature until delivery dairies shall provide sufficient refrigeration capacity to reduce the temperature of the milk, as indicated by a recording thermometer, to 50 degrees Fahrenheit (10 degrees Celsius) or less within four hours of the commencement of the first milking and to 45 degrees Fahrenheit (7 degrees Celsius) or less within two hours after the completion of milking, and to maintain the milk at that temperature until delivery. The blend temperature after the first milking and subsequent milkings, or milk in transit on bulk milk tankers, shall not exceed 50 degrees Fahrenheit (10 degrees Celsius). Market milk for pasteurization shall be maintained in transit at a temperature not exceeding 52 degrees Fahrenheit (11 degrees Celsius). The director may promulgate regulations to provide for temporary deviations from the requirements of this section that may occur as a result of emergencies arising from equipment failure, or as a result of other unusual circumstances; provided, however, that the quality and safety of the product are not adversely affected.~~

SEC. 4. Section 35783.1 of the Food and Agricultural Code is amended to read:

~~35783.1. On or before January 1, 1972, a~~ A recording thermometer shall be installed in each dairy farm milk storage tank used to cool or store raw market milk for pasteurization during the

1 milking process. If a farm pickup tanker is used in lieu of a dairy  
2 farm tank, then the recording thermometer shall be installed in the  
3 pipeline following ~~the~~ *an effective cooling device that cools the*  
4 *milk to 45 degrees Fahrenheit (7 degrees Celsius) or less.* Nothing  
5 in this section shall be construed as meaning that a recording  
6 thermometer must be attached when milk tankers are moved over  
7 the road. The director shall issue regulations providing standards  
8 for such thermometer including installation and operation.

9 SEC. 5. Section 35861 of the Food and Agricultural Code is  
10 amended to read:

11 35861. Guaranteed raw milk is market milk which conforms  
12 to all of the following minimum requirements:

13 (a) The health of the cows and goats shall be determined at least  
14 once each month by an official representative of an approved milk  
15 inspection service, or a milk inspection service which is established  
16 by the director.

17 (b) It shall be produced on dairy farms which score not less than  
18 90 percent on the dairy farm scorecard.

19 (c) It shall be bottled on the premises where produced and  
20 delivered in containers which have the pouring lip completely  
21 protected from contamination.

22 (d) It shall be cooled ~~immediately after being drawn from the~~  
23 ~~cow or goat to 50 degrees Fahrenheit or less, as provided in Section~~  
24 ~~35782, and so maintained until it is delivered to the consumer, at~~  
25 ~~which time it shall contain not more than 10,000 bacteria per~~  
26 ~~milliliter or not more than 10 coliform bacteria per milliliter.~~

27 (e) It shall be sold to the consumer within 30 hours after  
28 production and labeled to indicate the date of sale to the consumer.

29 SEC. 6. Section 35891 of the Food and Agricultural Code is  
30 amended to read:

31 35891. Grade A raw milk is market milk which conforms to  
32 all the following minimum requirements:

33 (a) The health of the cows and goats shall be determined at least  
34 once in two months by an official representative of an approved  
35 milk inspection service, or a milk inspection service which is  
36 established by the director.

37 (b) It shall be produced on dairy farms that score not less than  
38 85 percent on the dairy farm scorecard.

39 (c) It shall be cooled ~~immediately after being drawn from the~~  
40 ~~cow or goat to 50 degrees Fahrenheit or less, as provided in Section~~

1 35782 and so maintained until delivered to the consumer, at which  
2 time it shall contain not more than 15,000 bacteria per milliliter  
3 *or more than 10 coliform bacteria per milliliter.*

4 SEC. 7. Section 35893 of the Food and Agricultural Code is  
5 amended to read:

6 35893. Milk for grade A pasteurized milk is market milk ~~which~~  
7 *that* conforms to all the following minimum requirements:

8 (a) The health of the cows or goats shall be determined at least  
9 once in six months by an official representative of an approved  
10 milk inspection service, or a milk inspection service ~~which that~~ is  
11 established by the director.

12 (b) The milk shall be cooled ~~immediately after being drawn~~  
13 ~~from the cow or goat to 50 degrees Fahrenheit or less and~~  
14 ~~maintained in transit at not to exceed 52 degrees Fahrenheit as~~  
15 *provided in Section 35783.*

16 (c) It shall be produced on dairy farms that score not less than  
17 85 percent on the dairy farm scorecard ~~which that~~ is adopted by  
18 the director.

19 (d) Shall meet the standards of Section 35781 or the regulation  
20 adopted pursuant thereto.

21 SEC. 8. Section 35971 of the Food and Agricultural Code is  
22 amended to read:

23 35971. Half-and-half is a food that complies with Section  
24 131.180 of Title 21 of the Code of Federal Regulations.  
25 *Half-and-half shall contain not more than 20,000 bacteria per*  
26 *milliliter and not more than 10 coliform bacteria per milliliter.*

27 SEC. 9. Section 36861 of the Food and Agricultural Code is  
28 amended to read:

29 36861. Ice cream is a food that complies with Section 135.110  
30 of Title 21 of the Code of Federal Regulations. *Ice cream shall*  
31 *contain not more than 75,000 bacteria per gram.*

32 SEC. 10. Section 36951 of the Food and Agricultural Code is  
33 amended to read:

34 36951. Sherbet is a food that complies with Section 135.140  
35 of Title 21 of the Code of Federal Regulations. *Sherbet shall*  
36 *contain not more than 75,000 bacteria per gram.*

37 SEC. 11. Section 38421 of the Food and Agricultural Code is  
38 amended to read:

39 38421. Nonfat dry milk is a food that complies with Section  
40 131.125 of Title 21 of the Code of Federal Regulations. *Grade A*

1 *nonfat dry milk shall contain not more than 30,000 bacteria per*  
2 *gram and not more than 10 coliform bacteria per gram.*  
3 *Manufacturing grade nonfat dry milk shall comply with standards*  
4 *of the United States Department of Agriculture.*

5 SEC. 12. Section 38671 of the Food and Agricultural Code is  
6 amended to read:

7 38671. Sour cream is a food that complies with Section 131.160  
8 of Title 21 of the Code of Federal Regulations. *Sour cream shall*  
9 *contain not more than 10 coliform bacteria per gram.*

10 SEC. 13. Section 38731 of the Food and Agricultural Code is  
11 amended to read:

12 38731. Yogurt is a food that complies with Section 131.200  
13 of Title 21 of the Code of Federal Regulations. *Yogurt shall contain*  
14 *not more than 10 coliform bacteria per gram, and shall contain*  
15 *not more than 10 colonies per gram each of molds, yeasts, and*  
16 *other fungi.*

17 SEC. 14. Section 38761 of the Food and Agricultural Code is  
18 amended to read:

19 38761. Whipped cream is a food that complies with Section  
20 131.157 of Title 21 of the Code of Federal Regulations. *Whipped*  
21 *cream shall contain not more than 20,000 bacteria per gram and*  
22 *not more than 10 coliform bacteria per gram.*

23 SEC. 15. Section 38791 of the Food and Agricultural Code is  
24 amended to read:

25 38791. Eggnog is a food that complies with Section 131.170  
26 of Title 21 of the Code of Federal Regulations. *Eggnog shall*  
27 *contain not more than 20,000 bacteria per gram and not more*  
28 *than 10 coliform bacteria per gram.*

29 SEC. 16. No reimbursement is required by this act pursuant to  
30 Section 6 of Article XIII B of the California Constitution because  
31 the only costs that may be incurred by a local agency or school  
32 district will be incurred because this act creates a new crime or  
33 infraction, eliminates a crime or infraction, or changes the penalty  
34 for a crime or infraction, within the meaning of Section 17556 of  
35 the Government Code, or changes the definition of a crime within  
36 the meaning of Section 6 of Article XIII B of the California  
37 Constitution.